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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,083	01/20/2004	Douglas A. Long	4240-040041	1398
28289 7590 06/27/2007 THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			EXAMINER MYERS, JEROME B	
			ART UNIT 3609	PAPER NUMBER
			MAIL DATE 06/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/761,083

Applicant(s)

LONG, DOUGLAS A.

Examiner

Jerome B. Myers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9, 11-14 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 6, 10, and 15-17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

1. Claims 1-20 of US Application 10/761,083, filed on 01/20/2004, are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2-4, 8, 9, 11-14, 18-20 rejected under 35 U.S.C. 102(b) as being anticipated by Reynolds (5,177,929).

4. Regarding claim 1, Reynolds discloses a ceiling device. The examiner notes that the ceiling device is a ceiling panel system comprising a first panel (60), a first strut / support (20), and a first fastener assembly (30, 20, 34).

5. Regarding claims 2-4, Reynolds discloses a ceiling device, wherein the first panel comprises a pair of spaced surfaces; wherein one surface of the first panel is positioned adjacent the first strut and the other surface of the first panel is positioned adjacent the support; wherein the system further comprises an edge cover (20) positioned between the first panel and the support; wherein the mounting surface (the wall) is one of a joist, truss, and a ceiling. Regarding claim 3 the first strut / support is also considered an edge cover. Regarding claim 4, it is the examiners position that the mounting surface is considered to comprise the mounting surface shown in Reynolds in combination with the ceiling and/or joist /trusses it is connected to.

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6. Regarding claims 8 and 9, Reynolds discloses a ceiling device, wherein the means for securing includes one of a screw (34) and a clamp for securing the mount (30) to the mounting surface; and further comprising a second panel (not shown), wherein the second panel comprises a pair of spaced surfaces, wherein one surface of the second panel is positioned adjacent the first strut and the other surface of the second panel is positioned adjacent the support, further wherein the first panel and the second panel are coplanar. The examiner notes that the second panel is considered to be behind the first panel (60) on the same plane as the first panel, adjacent to the wall.

7. Regarding claims 11-13, Reynolds discloses a ceiling device including a second fastener assembly for interconnecting the first strut and a second strut; further comprising at least one edge molding attached to the edge of the second panel; and wherein the second panel is adjacent to a wall.

8. Regarding claim 14, given the structure of the assembly panel system of Reynolds, as disclosed by Reynolds, the claimed method steps would inherently be performed.

9. Regarding claims 18-20, Reynolds discloses a ceiling device comprising a strut, a support, a fastener assembly configured to secure the strut and the support in spaced relation to accommodate a panel therebetween; and means for securing the fastener assembly to a mounting surface; further comprising an edge cover and edge molding.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds (5,177,929), in view of Madl, Jr. (5,329,739).

12. Regarding Claims 5 and 7, Reynolds teaches a ceiling device. The examiner notes that the ceiling device is a ceiling panel system comprising a first panel (60), a first strut / support (20), and a first fastener assembly (30, 20, 34). Reynolds does not teach a shaft.

Madl, Jr. teaches a fastener assembly including a shaft (26), wherein the first strut receives the shaft therethrough; and the support (28) receives the shaft. Madl, Jr. further teaches the shaft includes a head and the head is positioned within the channel of the mount, which creates a more visually pleasing system.

13. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to have modified Reynolds' ceiling device with Madl's fastener assembly in order to create a secure system.

Claim Rejections - 35 USC § 112

14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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15. Claim 1 recites the limitation "first support" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

16. Claims 6, 10, 15-17 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome B. Myers whose telephone number is (571) 270-3097. The examiner can normally be reached on Mon-Fri, 7:30AM-5:00PM, Alt. Fri Off, EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Batson
Supervisory Patent Examiner
Art Unit 3600

JBM

